

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7734

KELVIN J. MILES,

Petitioner - Appellant,

versus

WARDEN, Maryland Correctional Institute,
Hagerstown, Maryland,

Respondent - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Alexander Williams, Jr., District Judge.
(CA-03-1961-AW)

Submitted: July 19, 2004

Decided: August 12, 2004

Before NIEMEYER, LUTTIG, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kelvin J. Miles, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kelvin J. Miles, a state prisoner, seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000).^{*} An appeal may not be taken from the final order in a § 2254 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable or wrong and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Miles has not made the requisite showing. Accordingly, we deny the motions for a certificate of appealability, bail, and appointment of counsel, and dismiss the appeal. We dispense with oral argument because the facts and legal

^{*}By order filed April 6, 2004, this appeal was placed in abeyance for Jones v. Braxton, No. 03-6891. In view of our recent decision in Reid v. Angelone, 369 F.3d 363 (4th Cir. 2004), we no longer find it necessary to hold this case in abeyance for Jones.

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED